



# Scottish Public Services Ombudsman Act 2002 2002 asp 11

## SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002

### *The Scottish Public Services Ombudsman*

#### 1 The Scottish Public Services Ombudsman

##### *Investigations by the Ombudsman*

- 2 Power of investigation
- 3 Persons liable to investigation
- 4 Persons liable to investigation: supplementary
- 5 Matters which may be investigated
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- 7 Matters which may be investigated: restrictions
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- 10 Complaints: time limits and procedure
- 11 Decisions not to investigate or to discontinue investigations
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- 15 Reports on investigations
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*Status: Point in time view as at 02/04/2012.*

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*Complaints handling procedures: promotion of best practice etc.*

16G Complaints handling procedures: promotion of best practice etc.

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- 17 Annual reports etc.
- 17A Strategic plans
- 18 Protection from actions for defamation
- 19 Confidentiality of information
- 20 Disclosure of information by the Ombudsman
- 21 Consultation and co-operation with other Commissioners and Ombudsmen
- 22 Information about right to make complaint

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- 24 Orders in Council: general
- 25 Modification of enactments
- 26 Consequential, transitional, transitory and saving provision
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#### SCHEDULE 1 — The Scottish Public Services Ombudsman

- 1 *Disqualification*
- 2 *Status*
- 3 *Validity of actings*
- 4 *Term of office and tenure*
- 5 *Vacancy in office of Ombudsman*
- 6 *Vacancy in office of deputy Ombudsman*
- 7 *Remuneration*
- 8 *Pensions etc.*
- 9 *Staff*
- 10 *Advisers and other services*
- 11 *Delegation*
- 12 *General powers*
- 12A *Location of office*
- 12B *Sharing of premises, staff, services and other resources*
- 12C *Charges for services*
- 12D *Budget*
- 13 *Financial provision*
- 14 *Accountable officer*
- 15 *Accounts and audit*

#### SCHEDULE 2 — Listed authorities

##### Part 1 — ENTRIES NOT AMENDABLE BY ORDER IN COUNCIL

- 1 *Scottish Parliament and Scottish Administration*
- 2 Any member of the Scottish Executive.
- 3 Any other office-holder in the Scottish Administration.
- 4 *Health service*
- 5 Any person who is, or was at the time of...
- 6 Any person who is, or was at the time of...

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- 7 *Local government etc.*
  - 8 Any committee, joint committee or joint board the members of...
  - 9 Any person who, by virtue of section 56(1) of the...
  - 10 Any licensing board continued in existence by or established under...
  - 11 The Strathclyde Passenger Transport Authority.
  - 11A Any Transport Partnership created under the Transport (Scotland) Act 2005...
  - 12 Any National Park authority.
  - 13 A joint fire and rescue board constituted by an amalgamation...
  - 14 . . . . .
  - 15 Any Children's Panel Advisory Committee formed under paragraph 3, or...
  - 16 Any joint committee, for the administration of superannuation schemes for...
  - 16A Scottish Water.
  - 17 *Housing*
  - 17A *Prisons*
- Part 2 — ENTRIES AMENDABLE BY ORDER IN COUNCIL
- 18 *Scottish public authorities*
  - 19 Audit Scotland.
  - 20 The Auditor General for Scotland.
  - 20A Bòrd na Gàidhlig
  - 21 The Chief Investigating Officer established by section 9(1) of the...
  - 21ZZA Children's Hearings Scotland.
  - 21ZA The Commission for Ethical Standards in Public Life in Scotland...
  - 21A A community justice authority.
  - 21B . . . . .
  - 21C Creative Scotland.
  - 22 The Crofters Commission.
  - 23 The Deer Commission for Scotland.
  - 24 The General Teaching Council for Scotland.
  - 25 Highlands and Islands Enterprise.
  - 25A The Judicial Appointments Board for Scotland.
  - 26 Learning and Teaching Scotland.
  - 27 Any local enterprise company, that is to say any company...
  - 28 The Local Government Boundary Commission for Scotland.
  - 28A The National Convener of Children's Hearings Scotland.
  - 29 The Board of Trustees for the National Galleries of Scotland....
  - 30 The Trustees of the National Library of Scotland.
  - 31 The Board of Trustees of the National Museums of Scotland....
  - 32 The Parole Board for Scotland.
  - 32A The Police Complaints Commissioner for Scotland.
  - 32B The Public Appointments Commissioner for Scotland.
  - 32C The Public Standards Commissioner for Scotland in the performance of...
  - 33 The Board of Trustees of the Royal Botanic Garden, Edinburgh....
  - 34 The Royal Commission on the Ancient and Historical Monuments of...
  - 35 The Scottish Agricultural Wages Board.
  - 36 The Scottish Arts Council.
  - 37 The Scottish Children's Reporter Administration.
  - 37B The Scottish Commission for Human Rights.
  - 38 The Scottish Commission for the Regulation of Care.
  - 39 Scottish Enterprise.

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- 40 The Scottish Environment Protection Agency.
- 40A The Scottish Further and Higher Education Funding Council.
- 41 . . . . .
- 42 The Scottish Further Education Unit.
- 43 . . . . .
- 44 The Scottish Housing Regulator .
- 45 The Scottish Hospital Endowments Research Trust.
- 45A The Scottish Information Commissioner.
- 46 The Scottish Legal Aid Board.
- 47 Entries amendable by Order in Council
- 48 Scottish Natural Heritage.
- 49 The Scottish Qualifications Authority.
- 50 Scottish Screen.
- 51 The Scottish Social Services Council.
- 52 The Scottish Sports Council.
- 52A Social Care and Social Work Improvement Scotland.
- 53 The Scottish Tourist Board.
- 54 The Standards Commission for Scotland.
- 54A VisitScotland.
- 55 The Water Industry Commission for Scotland.
- 56 Any holder of an office— (a) established by or under...
- 57 *Cross-border public authorities*
- 58 British Potato Council.
- 59 British Tourist Authority.
- 60 British Wool Marketing Board.
- 61 Central Bureau for Educational Visits and Exchanges.
- 62 Committee of Investigation for Great Britain.
- 63 Community Development Foundation.
- 64 Construction Industry Training Board.
- 65 Consumers' Committee for Great Britain.
- 66 The Criminal Injuries Compensation Appeals Panel.
- 67 The Criminal Injuries Compensation Authority.
- 68 Design Council.
- 69 Engineering Construction Industry Training Board.
- 70 Food from Britain.
- 71 Forestry Commissioners.
- 72 Home-Grown Cereals Authority.
- 73 Horticultural Development Council.
- 74 Intervention Board for Agricultural Produce.
- 75 Joint Nature Conservation Committee.
- 76 The licensing authority designated under section 1(1) of the Activity...
- 77 Meat and Livestock Commission.
- 78 Milk Development Council.
- 79 National Consumer Council.
- 80 Entries amendable by Order in Council
- 81 Police Information Technology Organisation.
- 82 Entries amendable by Order in Council
- 83 Scottish Consumer Council.
- 84 Sea Fish Industry Authority.
- 85 The Theatres Trust.
- 86 Entries amendable by Order in Council
- 87 The Trustees of the National Heritage Memorial Fund.
- 88 United Kingdom Sports Council.

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- 89 Unrelated Live Transplant Regulatory Authority.
  - 90 Other bodies
  - 91 The Security Industry Authority.
  - 91A The Statistics Board.
  - 91B The Committee on Climate Change.
  - 91BA The Electoral Commission.
  - 91C Architecture and Design Scotland
- Part 3 — OTHER ENTRIES AMENDABLE BY ORDER IN COUNCIL
- 92 Further and Higher Education
  - 93 The Scottish Agricultural College.

SCHEDULE 3 — Specified tribunals for the purposes of sections 6 and 7

- 1 The Dairy Produce Quota Tribunal for Scotland.
- 2 Any Independent Schools Tribunal constituted in accordance with Schedule 2...
- 3 The Lands Tribunal for Scotland.
- 4 Any Meat Hygiene Appeals Tribunal constituted under—
- 4A The Mental Health Tribunal for Scotland.
- 5 Any private rented housing committee constituted under section 44 of...
- 6 The Plant Varieties and Seeds Tribunal.
- 7 The Scottish Land Court.

SCHEDULE 4 — Matters which the Ombudsman must not investigate

- 1 Action taken— (a) by or with the authority of a...
- 2 (1) The commencement or conduct of— (a) civil or criminal...
- 3 Action taken by any office-holder in, or member of the...
- 4 Action taken by a member of the administrative staff of...
- 5 Action taken by a person appointed under section 5(3)(c) of...
- 6 Any exercise of the prerogative of mercy or of the...
- 7 (1) Action taken in matters arising from concluded contractual or...
- 8 Action taken in respect of appointments or removals, pay, discipline,...
- 9 The grant of honours, awards or privileges within the gift...
- 10 Action concerning— (a) the giving of instruction, whether secular or...
- 10A Action taken by or on behalf of any body falling...
- 11 Action taken by the Mental Welfare Commission for Scotland under—...
- 12 Action which has been, or is, the subject of an...
- 13 Action taken by a Health Board in the exercise of...
- 14 Action taken by a Health Board in the exercise of...
- 15 Action relating to the determination of the amount of any...
- 16 Action taken— (a) by a local authority in discharge of...

SCHEDULE 5 — Disclosure of information by the Ombudsman

SCHEDULE 6 — Modification of enactments

- 1 *Local Government (Scotland) Act 1975 (c.30)*
- 2 *Local Government (Scotland) Act 1978 (c.4)*
- 3 *Local Government Act 1978 (c.39)*
- 4 *Local Government, Planning and Land Act 1980 (c.65)*
- 5 *Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c.23)*
- 6 *Mental Health (Scotland) Act 1984 (c.36)*
- 7 *Hospital Complaints Procedure Act 1985 (c.42)*
- 8 *Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73)*

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- 9 *Legal Aid (Scotland) Act 1986 (c.47)*
- 10 *Local Government Act 1988 (c.9)*
- 11 *Housing (Scotland) Act 1988 (c.43)*
- 12 *Official Secrets Act 1989 (c.6)*
- 13 *Local Government and Housing Act 1989 (c.42)*
- 14 *Health Service Commissioners Act 1993 (c.46)*
- 15 *Local Government etc. (Scotland) Act 1994 (c.39)*
- 16 *Children (Scotland) Act 1995 (c.36)*
- 17 *Town and Country Planning (Scotland) Act 1997 (c.8)*
- 18 *Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c.9)*
- 19 *Planning (Hazardous Substances) (Scotland) Act 1997 (c.10)*
- 20 *Scottish Legal Services Ombudsman and Commissioner for Local Administration in Scotland Act 1997 (c.35)*
- 21 *Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)*
- 22 *National Parks (Scotland) Act 2000 (asp 10)*
- 23 *Freedom of Information Act 2000 (c.36)*
- 24 *Regulation of Care (Scotland) Act 2001 (asp 8)*

#### SCHEDULE 7 — Transfer of staff, property and liabilities and undetermined complaints

- 1 *Interpretation*
- 2 *Transfer of staff of existing Commissioners and Scottish Homes*
- 3 *Transfer of property etc. of existing Commissioners and Scottish Homes*
- 4 *Transfer of undetermined statutory complaints*
- 5 *Transfer of undetermined housing complaints*

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